

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Constitutional Petition No.D-88 of 2025.
(*Mst.Saba Parvez v. P.O Sindh and others*)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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BEFORE:

Mr. Justice Muhammad Saleem Jessar.
Mr. Justice Adnan-ul-Karim Memon.

Date of hearing and Order: 18.03.2025

M/S. Nazir Ahmed Kolachi & Zulfiqar Ali Memon, advocates for the petitioner.

Mr. Liaquat Ali Shar, AAG a/w Ayaz Ahmed, Assistant Director SPSC.

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ORDER

ADNAN-UL-KARIM MEMON.J:- The petitioner requests the following court orders:

- a) *Direct the respondents to appoint an expert lecturer in Islamiat, conduct an interview with the petitioner, and issue an offer of employment based on merit, in accordance with the law.*
- b) *Direct the respondents to suspend the final result sheet No. PSC/EXAM(S.S) 2024/723, dated December 24, 2024, issued by the Sindh Public Service Commission, and issued a revised result sheet.*
- c) *Direct respondents 6 and 7 to investigate respondents 2 through 5 and take appropriate legal action against them.*

2. The petitioner, a candidate for a Lecturer Islamiat position, achieved a high score of 88.5% on the written exam and subsequently attended the interview. She submits that the selection process was flawed, with candidates scoring lower being chosen due to political influence and interviewers lacking subject matter expertise. Despite her strong performance, her high marks were disregarded. Having exhausted appeals with both the relevant authorities and the SPSC, she now petitions the court to order a new, fair interview process with expert evaluators, and invalidate the current results in favor of a merit-based selection. Learned counsel for the petitioner has heavily relied upon the judgment passed by this Court in CP.No.D-1708/2023 and connected petition vide judgment dated 13.03.2024 and argued that SPSC was required to follow paragraph 22 of the judgment, which SPSC failed to adhere to, as such the petitioner is entitled to the relief of appointment

of expert to conduct the petitioner's interview afresh for the subject post, as she has grave apprehension that injustice has been done to her. At this stage, we reminded him that this Court cannot play the role of expert to ascertain the truth in the version of the petitioner, as it is for the competent authority to look into this aspect of the case, as she has already availed the remedy in terms of Regulation No.161 of SPSC (Recruitment Management) Regulations, 2023, whereby a point of view was considered and rejected vide decision dated 21.01.2025.

3. The SPSC addressed the petitioner's appeal, where she submitted that she was not recommended despite an excellent interview and high test scores. The SPSC acknowledged her concerns but cited Supreme Court and High Court precedents stating that interviews are subjective assessments. The courts have consistently held that they cannot substitute their judgment for that of an interview board. Therefore, the SPSC concluded that it lacked the legal authority to overturn the interview committee's decision and rejected her appeal.

4. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

5. The High Court can review SPSC decisions if they are unconstitutional, illegal, or unfair. However, the Court cannot substitute its judgment for the SPSC, but can only ensure the decision's legality and fairness. However, in the present case petitioner Ms. Saba Parvez, a candidate for Lecturer Islamiat, filed a representation under the SPSC regulations, contesting her exclusion from the selection despite an excellent interview. During her hearing, she repeated her claim that, despite scoring 88.5% on the written test and having a successful interview, she was not recommended. She expressed significant frustration and strongly questioned the interview committee's selection criteria.

6. The Supreme Court, in *Waheed Gul Khan v. Province of Sindh* (2024 SCMR 1701), reiterated that interviews are fundamentally subjective. Courts cannot replace the interview board's assessment with their own, as interviews evaluate intangible qualities like interpersonal skills. While courts can intervene in cases of malfeasance, bias, or clear errors, they cannot delve into the specifics of interview decisions or judge a candidate's suitability, as that is the interview board's domain. As established in *Muhammad Ashraf Sangri v. Federation of Pakistan* (2014 SCMR 157), courts are not equipped to do so. Achieving a high score on the written exam does not guarantee success in the interview, which assesses essential personality traits. The interview provides a live evaluation of a candidate's fitness for the role.

7. Even if the petitioner had passed the interview, as disputed by the SPSC, this would not automatically entitle her to the position. The Supreme Court in *Secretary Finance v. Ghulam Safdar* (2005 SCMR 534) established that merely qualifying in a written exam and interview does not create a vested right to appointment. The Court emphasized that without a formal offer of appointment, candidates cannot claim a fundamental right to the position, particularly when appointments are subject to further clearances and recruitment bans.

8. Based on the preceding discussion, we find the SPSC's position regarding the petitioner's failure in the interview to be justified. Consequently, the petitioner's claim, being without merit, is dismissed. No costs are awarded.

~~JUDGE~~

JUDGE

18/8/2005